

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09-CR-00130-RJC

USA )  
 )  
v. )                   ORDER  
 )  
MOICES GARDUNO VALENCIA )  
 )

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**THIS MATTER** is before the Court upon the post-sentencing motions of the defendant, pro se, for a reduction of his sentence pursuant to USSG §5K1.1. (Doc. Nos. 126, 133).

The defendant asserts that he provided assistance to law enforcement that led to several arrests, (*Id.* at 1); however, the United States Attorney did not move to reduce his sentence, (Doc. No. 76: Statement of Reasons at 2). Section 5K1.1 gives the government the discretion of whether to move for a downward departure for substantial assistance. United States v. Francois, 889 F.2d 1341, 1344 (4th Cir. 1989).

**IT IS, THEREFORE, ORDERED** that the defendant's motions are **DENIED**.

The Clerk is directed to certify copies of this order to the defendant and to the United States Attorney.

Signed: September 5, 2023

  
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Robert J. Conrad, Jr.  
United States District Judge  
